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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,090	01/02/2002	Jesus Matey	BAI525-755/011138	8691
24118	7590	12/16/2005	EXAMINER	
HEAD, JOHNSON & KACHIGIAN 228 W 17TH PLACE TULSA, OK 74119			LONSBERRY, HUNTER B	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/039,090

Applicant(s)

MATEY, JESUS

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/24/02</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The Examiner acknowledges the Preliminary Amendment of 1/2/02.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,589,892 to Knee et al.

Regarding claim 1, Knee discloses in figure 1 a broadcast data receiver for the reception of data broadcast from a remote location (column 46, line 56-column 47, line 17, data is received via the headend from a program distributor), said receiver comprising:

Means for processing 23/28 of the data and for generation of video of a current display and/or audio therefrom in the form of a television program for viewing on a display screen, (figure 1, column 11, lines 40-65, figure 52, column 44, lines 16-27)

one or more information tables which include strings of data and said receiver having means by which a user can request to be informed of one or more items of data from the strings being identified in a user-selected program and characterized in that on

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user-selection of a pre-designated button of a control unit of the receiver (column 41, lines 56-59, column 42, lines 33-58, figures 48, 52, user enters a browse mode via a button 47a as shown in figure 4, the string data is stored within an EPG database which the examiner equates to an information table, and is received via the headend, upon hitting the browse mode the user becomes informed of the current score and inning of the game)

said receiver provides a display over the current video display on the display screen informing the user of whether said user requested item or items of data have been identified in said user-selected program, irrespective of whether the receiver is currently tuned into said user-selected program at that time (figure 52, the current score and inning is displayed for the current program, a user may view scores for other programs, column 43, lines 18-32, a user may browse scores for other games in progress and tune to the corresponding channel).

Regarding claim 2, Knee discloses that the string of data is identified in respect of a live "sport" event (figure 52, current sports score and inning, column 43, lines 21-54, column 44, lines 16-33, column 46, lines 33-44, 56-column 47, line 18).

Regarding claim 3, Knee discloses that the receiver informs the user of details relating to the occurrence of the data items (current score and inning., figure 52, column 44, lines 16-32).

Regarding claim 4, Knee discloses that the string of data the score of the sporting event (figure 52, column 46, line 56-column 47, line 17).

Regarding claim 5, Knee discloses that the string of data is updated in real time at the broadcaster location and transmitted to the receiver (column 43, lines 32-44, column 46, line 30-column 47, line 17).

Regarding claim 6, Knee discloses that the user can select a data string from the information tables in relation to a user-selected program (display of current score and inning by enabling browse functionality , column 16, lines 16-32, figure 52)

Regarding claim 7, Knee discloses that the user can input data strings into the one or more information tables for subsequent selection in relation to the user selected program (column 44, lines 16-32, data is displayed which includes scores, a user may input a selection in order to display additional information about the game such as quarter summary, halftime statistics, leading scores key injuries etc).

Regarding claim 8, Knee discloses that the control unit is a remote control handset (column 12, line 26-column 13, line 17).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 9 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,147,714 to Terasawa et al.

Regarding claim 9, Terasawa discloses a method of using a broadcast data receiver 2 (figure 20), having one or more information tables which include strings of data for the reception of data broadcast from a remote location (receiver 2 receives information via a satellite dish 3, column 10, lines 59-column 11, line 9), said method comprising the following steps:

processing of the data and generation of video and/or audio therefrom in the form of a television program for viewing on a display screen (column 12, lines 1-44),

a user selecting to be informed of one or more items of data from the strings being identified in a user-selected program and (figures 4-6, column 6, lines 6-23, column 7, line 55-column 8, line 25, column 12, line 64-column 13, line 8, the displayed program data is received in the EIT), on user-selection of a pre-designated button control unit of said receiver, receiver searching the Event Information Tables for said one or more items of data relating to the user-selected program (figures 4-6, column 6,

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lines 6-23, column 7, line 55-column 8, line 25, column 12, line 64-column 13, line 8, column 16, lines 32-45, and

following said search informing said user of whether said item or items were identified in said user-selected program (figures 4-5 displayed information corresponding to the present program).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,536,041 to Knudson: Program Guide System with Real-Time Data Sources.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HBL